

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Antoine Donshea Davis

Docket No. 4:07-CR-70-1D

Petition for Action on Supervised Release

COMES NOW Michael W. Dilda, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Antoine Donshea Davis, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on January 13, 2009, to the custody of the Bureau of Prisons for a term of 132 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years. On December 29, 2014, pursuant to an Order regarding the government's motion to reduce sentence pursuant to Rule 35(b)(1), Davis' sentence was reduced to 102 months custody.

Antoine Donshea Davis was released from custody on July 10, 2015, at which time the term of supervised release commenced. On June 9, 2016, a Petition for Action on Supervised Release was filed that noted the defendant tested positive for marijuana on May 25, 2016. On June 14, 2016, the court concurred with the recommendation of the probation officer to have Davis complete 2 days custody in the Bureau of Prisons and participation in the DROPS Program. The defendant completed his period of incarceration on July 10, 2016.

On October 13, 2016, a Petition for Action on Supervised Release was filed that the defendant was arrested in Pitt County, North Carolina, for Driving While Impaired (16CR56914), Possession of an Open Container/Consumption of Alcohol in Passenger Area, and Impede Traffic by Slow Speed (16IF706325). On October 14, 2016, the court concurred with the probation officer to have Davis return for alcohol abuse counseling and complete 30 days of Location Monitoring, which successfully concluded on November 23, 2016. The charges remain pending for disposition.

On December 8, 2016, a Petition for Action on Supervised Release was filed advising the court of the defendant's arrest in Lenoir County, North Carolina, for Driving While Impaired (16CR52521), Possession of an Open Container/Consumption of Alcohol in Passenger Area (16IF703110), Driving While License Revoked, and Speeding (16CR704954). On December 9, 2016, the court concurred with the recommendation of the probation officer to impose more intensive alcohol counseling/treatment with Davis via participation in the STAR (Striving to Achieve Recovery) Program, which would also include participation in a cognitive behavioral program. The charges remain pending for disposition.

On February 9, 2017, the defendant entered the STAR Program. On February 23, 2017, a Petition for Action on Supervised Release was filed requesting the court to modify the conditions of supervision to include Davis abstain from the use of alcohol and participate in the Remote Alcohol Monitoring (RAM) Program for 90 days. On February 24, 2017, the court concurred with the recommendation of the probation officer.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

While participating in the STAR Program, the defendant tested positive for alcohol on 18 occasions between March 21, 2017, and June 10, 2017 (BAC levels ranged between 0.02 and 0.09). In response, Davis has satisfied various STAR Program sanctions including the completion of multiple reports/journals, 16 hours of community service, and 1 day custody. The defendant continues to make progress in the STAR Program

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and it is respectfully recommended that he continue his participation in the program, which would include an extension of the Remote Alcohol Monitoring Program for a period not to exceed 6 months. This will allow additional monitoring of any alcohol use by Davis as he continues to meet the requirements of the STAR Program. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 6 months.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Michael W. Dilda
Michael W. Dilda
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2342
Executed On: June 23, 2017

ORDER OF THE COURT

Considered and ordered this 28 day of June, 2017, and ordered filed and made a part of the records in the above case.

J. Dever
James C. Dever III
Chief U.S. District Judge